THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.18216 OF 1995

DATED: 12-09-2006

BETWEEN

Bugata Venkata Rao,
S/o. Appala Suryanarayana,
Hindu, Ex-Driver, A.P.S.R.T.C.,
R/o. Srikakulam District.

…PETITIONER

AND

The Depot Manager,
Andhra Pradesh State Road Transport Corporation,
Srikakulam-II Depot, and another.

…RESPONDENTS

ORDER:

Heard the learned counsel appearing for the petitioner as well as Ms. B. G. Umadevi, learned standing counsel for APSRTC.

Learned counsel for the petitioner submits that the petitioner was selected and appointed as casual driver on 11.12.1987 in Andhra Pradesh State Road Transport Corporation at Srikakulam Depot – II and after working for nine months he was suspended with effect from 11.10.1988 on the ground that the School Certificate produced by him was not a genuine record showing that he has failed 7th class and on verification with the Principal it is stated that the said certificate had not tallied with the school record and therefore, the charge sheet was issued to the effect that as per the certificate produced by him he failed 7th class. Though the petitioner submitted his explanation to the show cause notice by proceedings dated 18.03.1989 the services of the petitioner were disengaged. Aggrieved by the said the

petitioner raised an industrial dispute in I.D.No.154 of 1991 on the file of the Industrial Tribunal – cum – Labour Court, Visakhapatnam and by award dated 21.04.1993 the Labour Court dismissed the same holding that the charges framed against the petitioner were proved and the said order is perfectly valid. The award of the Labour Court has been challenged in this writ petition.

Learned counsel for the petitioner further submits that, in fact, the regulations does not prescribe any qualification for appointment of drivers and the regulation prescribes the qualification by way of recruitment that for recruitment as driver one must be able to read and write in the regional language; the minimum height is 5' 4" as prescribed and must cross the age of 18 years. It is stated that the said minimum qualifications are fulfilled by the petitioner and therefore, it cannot be said that the petitioner is not eligible or qualified for appointment as casual driver.

I am of the opinion that having produced the certificates, which are not genuine, it is not open to the petitioner to state that the said certificates cannot be looked into. However, after verification a charge sheet has been issued to the petitioner but unfortunately petitioner failed to submit his explanation and therefore, without conducting enquiry the charge sheet has been held to be proved. Though the petitioner is qualified, in view of the aforesaid fact that the certificate produced by the petitioner was not genuine the petitioner is not entitled to any relief as rightly held by the Labour Court.

The writ petition is accordingly dismissed. No costs.

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V. ESWARAIAH, J

September 12, 2006
DSK